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BY ECF AND E-MAIL

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October 25, 2022

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Hon. Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007
Failla_NYSDChambers@nysd.uscourts.gov

Re: **The Capital Markets Co., LLC v. Halpern, Case No. 1:22-cv-07637 (KPF) – Adjournment of Preliminary Injunction Motion Hearing and Motion Papers**

Dear Judge Failla:

On behalf of Plaintiff The Capital Markets Co., LLC (“Capco”) in the above-referenced matter, I write pursuant to Your Honor’s Individual Rules of Practice Rules 2(C) and (D) to respectfully request an adjournment of the hearing and briefing dates currently set on Plaintiff’s motion for a preliminary injunction pursuant to the Court’s Memo Endorsement on October 4, 2022 (ECF No. 43) and the Court’s Order on October 12, 2022 (ECF No. 46) (collectively, the “Order”).

The parties are in the process of discussing a potential resolution of this matter, and agree that it would be in the parties’ and the Court’s interest to adjourn the current dates to enable both parties to focus their efforts and attention on reaching a potential resolution. Pursuant to the Order, Plaintiff’s preliminary injunction papers are currently due on December 5, 2022, Defendant’s opposition papers are due on December 9, 2022, and a hearing before the Court is scheduled for December 20, 2022 at 10:00 a.m. The parties have conferred and agree to seek to adjourn the above-referenced dates as follows:

- **January 11, 2023** – deadline for Plaintiff’s preliminary injunction papers to be filed.
- **January 16, 2023** – deadline for Defendant’s opposition papers to be filed.

The preliminary injunction hearing would be scheduled for a date thereafter, subject to the Court’s availability. This is the parties’ first request to adjourn these preliminary injunction motion dates.

The parties also have agreed to adjourn Defendant’s time to answer, counter-claim and/or otherwise respond to the Complaint from October 31, 2022 to December 7, 2022. There has been one prior request for an extension of time in connection with Defendant’s time to respond to the Complaint.

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Respectfully submitted,



John P. Barry

cc: Counsel of Record (via ECF)

Application GRANTED. Defendant's deadline to answer or otherwise respond to the Complaint is hereby adjourned to December 7, 2022.

Plaintiff's deadline to submit its preliminary injunction papers is hereby adjourned to **January 11, 2023**, and Defendant's deadline to file any opposition is hereby adjourned to **January 16, 2023**. Accordingly, the hearing regarding Plaintiff's motion for a preliminary injunction currently scheduled for December 20, 2022, at 10:00 a.m. is hereby ADJOURNED. The parties are directed to contact the Court via email at Failla_NYSDChambers@nysd.uscourts.gov on or before November 14, 2022, to advise the Court of their availability for a hearing on **January 26, 2023**.

The Clerk of Court is directed to terminate the pending motion at docket number 48.

Dated: October 25, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE